U.S. Department of Homeland Security
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Washington, DC 20472

FEMA

04-296

November 5, 2004

Secretary Marlene H. Dortch
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, DC 20554

Dear Secretary Dortch:

Thank you for the opportunity to comment on the Federal Communications Commission (FCC) Notice of Proposed Rulemaking (NPRM) regarding the Emergency Alert System (EAS) and for the FCC's partnership with the Federal Emergency Management Agency (FEMA) in the operation of the current EAS. We are pleased the Commission has taken an active interest in improving and upgrading the Federal government's ability to provide timely alert, warning and Presidential messaging to the nation in times of emergency, regardless of cause.

As you have indicated in the NPRM, the old Emergency Broadcast System and its replacement the EAS was designed to be the President's broadcast voice to the American people to warn of a national emergency. FEMA, through its Office of National Security Coordination, serves as the Executive Agent for the EAS and for ensuring that the President can address the nation, within ten minutes of notification, using the current system of Primary Entry Point (PEP) stations. Although the national-level EAS has never been activated, the EAS serves as a valuable local component and is used somewhere in America almost everyday to provide local residents with alert and warning messaging dealing with everything from hazardous material incidents, to approaching severe weather, to AMBER Alerts. Because EAS serves both a national and local purpose, it is an essential emergency management and national security asset that must be maintained and improved.

FEMA and the Department of Homeland Security (DHS) realize that as efficient and useful as the EAS has been as an alert and warning system that so many millions of people depend upon, it is not everything to everyone. Together with Homeland Security's Information Analysis and Infrastructure Protection (IAIP) Directorate, we are exploring the use of digital and other cutting edge technologies that will enable DHS to provide "All Hazards" alerts, warnings, and Presidential messaging to the greatest number of people all of the time. This includes persons with disabilities and individuals for whom English is a second language.

Working in consultation with the broadcast community, the FCC's Office of Homeland Security, the National Oceanic and Atmospheric Administration (NOAA) and other relevant stakeholders, we are moving toward the implementation of an Integrated Public Alert and Warning System (IPAWS) that will capitalize upon digital technology to provide timely alert and warning messages and will upgrade the PEP stations to a satellite based system for national-level EAS Presidential messaging. We believe this next generation of alert, warning and EAS architecture will constitute the most effective and efficient national public warning system that takes advantage of appropriate technological advances and best responds to the public's need to obtain timely emergency information.

With that in mind, DHS has undertaken a two-pronged approach to implementing an IPAWS program. First, using Fiscal Years 2004 and 2005 budget authorities, we have begun the process to transition the 34 PEP stations to a satellite based system that will provide the President with a secure and reliable means of addressing the nation. As we progress, we anticipate expanding the PEP stations to ensure coverage in all 50 States and the United States Territories. We believe this transition specifically addresses concerns raised by the Partnership For Public Warning and the FCC's Media Security and Reliability Council (MSRC). DHS looks forward to working with the Commission in developing and promulgating national-level test protocols for this new satellite based PEP system.

The second avenue of the IPAWS initiative takes advantage of digital broadcast capabilities and data casting technology. We are currently conducting a pilot project in the National Capital Region to demonstrate how the capabilities of America's public broadcasters can be utilized to dramatically enhance our ability to provide the American people with critical, and lifesaving, information. Using open, non-proprietary architectures and applications, this project will provide DHS with an improved mechanism for distributing alert, warning, and EAS messaging via digital television and satellite to an expanded range of retransmission media such as cellular telephone service providers, computers, personal digital assistant, other wireless devices and, of course, radio and television. We are encouraged by the level of participation from the cellular industry and look forward to working with them to develop policy and use protocols over the next many months.

We believe this IPAWS approach to providing timely emergency information not only takes advantage of the existing EAS infrastructure and the developing public broadcasting digital infrastructure, but also can provide a new digital backbone to serve other Federal, State and local emergency warning systems.

With these IPAWS advances for alert, warning and EAS also comes a need for improved coordination and responsibility. We believe the FCC should continue its regulatory role with regard to the broadcast and wireless community's participation in IPAWS. Moreover, FEMA and DHS should be the primary point of contact for alert, warning and Presidential messaging and, therefore, should become the Executive Agent for IPAWS an integral part of the Department's mission to disseminate timely alert and warning information to our homeland security partners and the American public; and our mission

to ensure the delivery of a national-level Presidential message in time of emergency. As such, we look forward to integrating NOAA's All Hazard Radio System into our IPAWS architecture. This integration will not only ensure DHS has a robust and redundant capability to alert and warn the public, but will also ensure that the Federal government has a coordinated public warning system.

Because all disasters are inherently local, and because local and State officials are the primary users of the current EAS, we believe planning and training are critical elements of the next generation alert and warning system. Moreover, we appreciate the voluntary assistance and cooperation of the broadcast community with regard to the implementation of the national-level EAS. We therefore look forward to their continued voluntary participation, and that of the wireless industry, as we develop an IPAWS program designed to reach the public via a variety of media devices. In that regard, establishing nationwide guidelines and standard for the activation of an alert and warning, for other than Presidential messages, is a goal DHS supports. We look forward to working with the Commission and others to establish such standards. We continue believe that a Presidential message, of unlimited length, should be a mandatory carriage for service providers under the FCC's regulatory control.

We recognize there is no single solution set that will meet everyone's alert and warning requirements. That is why FEMA, IAIP and DHS have teamed up with NOAA, the FCC, and the private sector to find the most appropriate interoperable solutions to develop an IPAWS program. We believe an IPAWS solution, using digital technology in combination with upgraded PEP EAS capabilities, will provide Federal, State and local emergency managers and leaders with the tools they need to protect America from technological accidents, natural disasters and terrorist incidents. At the same time, we are aware of the concerns of our State partners who have invested in their own alert and warning systems. With that in mind, IPAWS is intended to be fully interoperable with those systems using common alerting protocols.

Thank you, again, for the opportunity to comment on this NPRM. FEMA and DHS take our responsibility to ensure the quick and accurate dissemination of alert and warning information to our homeland security partners and the American public seriously and look forward to working with you in the development of a next generation EAS using an IPAWS programmed approach.

Sincerely,

Michael D. Brown
Under Secretary
Emergency Preparedness and Response